

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Cause No. 4:15 CR 00250-11 CDP
)	4:15 CR 00356-2 CDP
)	
BRENT GIBBAR,)	
Defendant.)	

DEFENDANT’S OBJECTIONS TO PRE-SENTENCE INVESTIGATION REPORT

COMES NOW Defendant, Brent Gibbar, by and through his attorney, and files
Objections to the Presentence Investigation Report (“PSR”) stating the following:

Procedural History and Relevant Facts

1. Mr. Gibbar pleaded guilty in two cases to one count of conspiracy to distribute marijuana (4:15 CR0025) and count possession of pseudoephedrine (4:15CR00356) in violation of 21 U.S.C §§841 and 846.

2. The parties have a written plea agreement pursuant to Rule 11(c)(1)(A) and agree that under USSG §3D1.2(d) and §3D1.2(b) the counts of conviction should be grouped together as closely related counts.

3. The parties agreed that Mr. Gibbar was responsible for between 700-1000 kg of marijuana (Cause 4:15CR0025) and 60.6 grams of pseudoephedrine (Cause 4:15 CR00356). The parties further agreed that Mr. Gibbar could request a variance because

of the difference between methamphetamine and pseudoephedrine which if you calculate the guidelines based on methamphetamine results in a base offense level of 28.

4. The parties further agreed that two levels should be added pursuant to §2D1.1(b)(2) for use of violence in the marijuana case. The parties further agreed that two levels should be deducted pursuant to §3B1.2(b) because defendant was a minor participant in the marijuana case.

5. The parties agreed that Mr. Gibbar should receive a three level reduction for acceptances of responsibility under §3E1.1.

6. The plea agreement contemplates a total offense level of 25 as a result of the application of the methamphetamine (rather than pseudoephendrine) guideline.

7. The PSR calculated defendant's total offense level of 29. The PSR calculated Defendant's criminal history at 12 resulting in a criminal history category of V.

Defendant's Objections to the PSR

8. Defendant objects to the PSR paragraph 3125 in that it fails to give 2-point reduction for minor participant

9. Defendant objects to the PSR paragraph #137,138,139,142,143, and 149. These are convictions from Cook County Illinois. After conversations with the Clerk of the Court of Cook County, Illinois , counsel believes that these cases are not defendant's. These convictions do not impact defendant's criminal history level.

10. Defendant asks this Court to find a total offense level of 27. The defendant then will ask for a variance pursuant to Section 2D1.1 based upon the comparable penalty structure of a mixture or substance containing a detectable amount of methamphetamine.

Respectfully Submitted,

/s/ David Bruns

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CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on the U.S. Attorney's Office via the Court's electronic filing system on the above date.

/s/ David Bruns

David Bruns